

TIME - LINE FOR CREATING TOWN TIF DISTRICTS

GENERAL RULES

COMBINED HEARING METHOD:

1. A public hearing must be held to receive input regarding the proposed boundaries and the project plan.
2. There must be a Class 2 notice published before the public hearing, with one insertion each week for two consecutive weeks. The second insertion must be at least 7 days before the hearing date.
3. A copy of the notice must be sent by 1st class mail to the other taxing entities (county, school, etc.) prior to the first insertion. Owners of property identified in the town TID shall be notified of the date of hearing to be held at least 15 days before the hearing.
4. The Joint Review Board (JRB) holds its first meeting within 14 days after the first hearing notice is published, but before the public hearing. The board's chairperson and public member must be selected before the public hearing.
5. The project plan must be approved by the Planning Commission prior to or when the resolution creating the district is adopted. Project cost expenditures cannot begin until after the plan has been approved by the town board.
6. There must be at least 30 days between the public hearing and adoption of the creation resolution. Deadline for adoption of the resolution is September 30th for the district to be effective the previous January 1. Thus, August 21st is the last date a public hearing can be held to create a district effective that calendar year. Taking into account weekends and regular meeting dates, the last date a hearing can be held to meet the September 30th deadline could vary considerably.
7. The Joint Review Board decision must be made not less than 10 days or more than 30 days after it receives the creation resolution. The JRB notifies the municipality of its decision within 7 days of making it.
8. All actions taken by the town in the creation process must be completed by September 30th in the creation year.
9. The base year certification application must be sent to the Department of Revenue by December 31st in the creation year. See the list of required items elsewhere in the base packet for information as to what must be included.

SEPARATE HEARINGS METHOD:

Basically the actions are the same for separate hearings as for the combined method, except some steps must be done twice.

- Both hearings must be properly noticed,
- The other taxing entities must be sent a copy of each hearing notice before it is published,
- The Joint Review Board must meet within 14 days of the first project plan hearing notice publication,
- The town must wait until 30 days after the project plan hearing to adopt the creation resolution, and
- The JRB must take action not less than 10 days nor more than 30 days after receiving the creation resolution.

This process may take longer than the single hearing method, especially if the boundary hearing is held first. That's because both hearings must be preceded by notification to the taxing entities and publication of a Class 2 notice. Plus, the 30-day waiting period between the project plan hearing and adopting the creation resolution could begin later when the boundary hearing is held first. When the project plan hearing is held first, this waiting period can be taking place while notice requirements for the boundary hearing are being done.

There is no required time span between the two hearings, nor is the TIF Law specific about which should be held first.

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The combined hearing method is not as complicated from the standpoint of publishing notices and notifying affected taxing entities. With fewer actions required, there is less chance a crucial deadline will be missed. It also seems the logical choice since it is difficult to separate the two functions. Projects and their costs cannot be readily determined before the boundaries are considered. And without knowing what projects are anticipated it would be more difficult to decide where the boundaries should be.

Most communities use the combined hearing method.

Please Note: In the sample time-lines on the next two pages, the number in parentheses after each 'Action' refers to one of the General Rules on page one.

SAMPLE TIME-LINE FOR A TID - USING COMBINED HEARING METHOD

This time-line shows the various actions in the shortest time-frame possible to meet statutory requirements. It assumes the official newspaper is published weekly. With a daily paper there would not have to be 7 days between the 1st and 2nd insertion, as long as they appeared in separate calendar weeks.

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